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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,794	01/03/2002	Duane V. Byerly	790063.00007	8537

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,794

Applicant(s)

BYERLY ET AL.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8. 6) ☐ Other: _____

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

2. Claims 9 & 10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election of a flexible shaft, Group I, was made without traverse in Paper No. 5.

Drawings

3. The drawings were received on Aug 1, 2003. These drawings are objected to because:
 - a. In Fig. 1 link 13B is indicated as being between the fastening means 12C & 12D but in the description on page 4, lines 35+, link 13B is described as extending between the fastening means 12B and 12C.
 - b. Fig. 2 shows six links but only five are identified by reference numerals - 13A, 13B, 13C, 13D & 13E.
 - c. The "parallel faces" described on page 5, line 12 and recited in claim 8 are not identified by reference numeral(s).

Specification

4. The disclosure is objected to because:
 - a. Page 4, lines 28+ identifies five links, links 13A-13E, but Fig. 2 shows six links.
 - b. The description fails to comply with 37 CFR 1.74 because the "parallel faces" described on page 5, line 12 are not identified by reference numeral(s).

Claim Objections

5. Claims 1 & 8 are objected to because:
 - a. Claim 1. Some word(s) and/or punctuation appears to be needed in line 18 between the first two words in the line, “means” and “each”.
 - b. Claim 8. Claim 8 recites that each washer means 14A, 14B projects from the body face of annular body 11. However, Fig. 2 clearly shows the material comprising the body 11 is flush with the outermost portion of each washer means 14A, 14B. It would help if the drawings indicated what structure constitutes these body faces.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1, lines 16, recites the limitation “said peripheral formation [15A, 15B] forming at least part of [a] peripheral edge”. Applicant has not pointed out where this limitation is supported, nor does there appear to be a written description of the limitation in the application as originally

filed. Furthermore, Fig. 2 does not show the peripheral formation 15A, 15B on a peripheral edge of the washer means 14A, 14B. It appears instead the peripheral formation is formed in the middle (i.e. away from the edges) of the outer circumferential surface of the washer means 14A, 14B.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 1 recites the limitation "the fastener means" in line 17. There is insufficient antecedent basis for this limitation in the claim.

b. Claim 2 recites the limitation "said fastener means" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

10. Claims 1-3, 7 & 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Andra et al, WO 99/15803 (Andra).

a. Claim 1. Figs. 1 & 2 show a flexible coupling comprising: an annular body 10 of moldable material 20; an even number of parallel bores (indicated by numeral 16 in Fig. 2); a plurality of link means 12; and a washer means 18, 18' on opposite sides of each link means 12 defining end orifices. Figs. 2, 3, 5 & 7 show that each washer 18, 18' has a

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peripheral formation 30, 30' on a peripheral edge of the washer such that when the body 10 is molded to incorporate fastener means and link means so that each washer is locked by the molded material 20 (see also the first full paragraph of page 2 of the English language translation).

b. Claim 2. Andra discloses that the flexible coupling is used in a cardanic connection for shafts (see U. S. Equivalent US 6,315,670, col. 1, lines 19 & 20). Such a connection includes all the limitations of claim 2. (See the cardanic connection in US 6,176,784)

c. Claim 3. Figs. 5 & 7 shows that the peripheral formation comprises a peripheral groove 30, 30' in each of the washer means.

d. Claim 7. Fig. 2 shows that the links 12 are made from composite material and are in stacked relationship.

e. Claim 8. Fig. 2 shows the body 10 has parallel faces and its moldable material 20 surrounds the washers 18, 18'. Fig. 2 also shows the washers 18, 18' protruding from the faces of the body 10 to the same extent that applicant's Fig. 2 shows washers 14 protruding from the faces of body 1.

Claim Rejections - 35 USC § 103

11. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andra.

a. Claims 4 & 5. Andra discloses that the annular body 10 is made from a moldable material 20 but does not expressly disclose that the moldable material is a urethane polymer. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the annular body 10 from a urethane polymer

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since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

b. Claim 6. Andra discloses washer means 18, 18' but does not expressly disclose the washer means being made from metal. However, it would have been obvious to make the washer means from metal for the same reason noted in subparagraph 'a' above.

Response to Arguments

12. Applicant's arguments filed Aug 1, 2003 have been fully considered but they are not persuasive. Applicant argues that Andra does not show a peripheral formation on a peripheral edge but as noted in the rejection above, Andra does show the peripheral formation 30, 30' on the peripheral edge of the washer means 18, 18'.

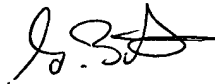
13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached Monday through Thursday from 9:30 am to 7:00 pm. The examiner can also be reached on alternate Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159. The fax phone number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



Greg Binda
Primary Examiner
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